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08/368,776

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/368,776	01/03/95	CLOSSEK	

LYON & LYON
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LOS ANGELES CA 90017

18M1/0930

EXAMINER

UNGAR, S

ART UNIT	PAPER NUMBER
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1806

1806

DATE MAILED: 09/30/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

A reference relevant to the examination of this application may soon become available. *Ex parte* prosecution is **SUSPENDED INDEFINITELY**. Applicant should make periodic inquiry as to the status of the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is (703) 305-2181. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lila Feisee, can be reached at (703) 308-2731. The fax phone number for this Art Unit is (703) 308-4242.

Communications via Internet e-mail regarding this application, other than those under 35 USC 132 or which otherwise require a signature may be used by the applicant and should be addressed to lila.feisee@uspto.gov.

All internet e-mail communications will be made of record in the application file. **PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of USC 122.** This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Susan Ungar
September 29, 1997


Lila Feisee
Supervisory Patent Examiner
Group 1800

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1. The Amendment filed April 29, 1997 (Paper No. 19) in response to the telephone interviews of April 24, 1997 is acknowledged and has been entered. Previously pending claims 20 and 23 have been cancelled, claims 21, 22, 24 and 25 have been amended. Claims 1-4, 16-19, 21,22, and 24-26 are pending and are currently being examined.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. The response (Paper No. 18) to the restriction requirement of November 27, 1996 has been received. Applicant has elected Group I, claims 16-26 for examination with traverse. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP 818.03(a)).

4. The following objections are being withdrawn:

In view of Applicant's arguments, objection to the Figures on page 4 of Paper No. 16 is withdrawn.

5. The following rejections are being withdrawn:

In view of the amendment of claims 1, 2 and cancellation of claim 20, rejection of claims 1, 2 and 20 under 35 USC 112, first paragraph, is withdrawn.

In view of amendment of claims 1-4, 16-18, 21-22, 24-26 and cancellation of claims 20 and 23, rejection of claims 1-4, 16-18, 20-26 is withdrawn.

In view of Applicant's arguments and amendment of the claims, rejection of claims 1-4 under 35 USC 102 is withdrawn.

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In view of Applicant's arguments and amendment of the claims, rejection of claims 21-26 under 35 USC 103 is withdrawn.

Drawings

6. Each Figure of the drawings must be individually numbered, for example, Figure 2A has 2 panels. These must be renumbered Figure 2A and Figure 2B, and Figure 2B must be renumbered Figure 2C. Furthermore the Brief Description of the Drawings and all references to the drawings in the specification must be amended to reflect the new numbering of the drawings.

Title

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

8. Claim 26 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 is indefinite because it claims a host cell which expresses the nucleic acid of claim 23. Claim 23 has been cancelled.

9. Claim 26 is not allowed, Claims 1-4, 16-19, 21,22, and 24-26 appear to be free of the art.

10. Applicant's amendment necessitated the new grounds of rejection.

Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a).

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Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is (703) 305-2181. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm.

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Susan Ungar

May 21, 1997


LILA FEISEE
SUPERVISORY PATENT EXAMINER
GROUP 1800